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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	. FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,827	07/06/2001	Scott G. Newnam	109779.130	9662

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DOAN, DUYEN MY

ART UNIT	PAPER NUMBER
2152	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
	09/899,827	NEWNAM ET AL.
Office Action Summary	Examiner	Art Unit	
	Duyen M. Doan	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 February 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-31</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-31</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>06 July 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/21/2007 has been entered. Claims 1-29 are amended for examination. Claims 30-31 are newly added.

Response to Arguments

Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claim 21 objected to because of the following informalities: Claim 21 recites "espisode", instead of "episode". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-4,10,18-20 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2-4,10,18-20 recites the limitation "client" and "clients". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-31 rejected under 35 U.S.C. 103(a) as being unpatentable over Bruckner et al (us 20050015796) (hereinafter Bruck) in view of Shoff et al (us 2001/0001169) (hereinafter Shoff).

As regarding claim 1, Bruck discloses a content creator that includes tools, responsive to inputs from a producer (see Bruck ITV server, the interactive content

being created and stored at the ITV server, obviously someone has to create or

program the interactive content to be store at the ITV server), a client files to be

provided to remote clients prior to the broadcast event (see Bruck pg.6 par 0061-0064,

interactive content download in advance), the client files including interactive

components (see Bruck pg.6 par 0061-0064, file provided include interactive content).

Bruck does not disclose a server-based user interface, generated prior to the

broadcast event, that display a representation of individual components that are to be

displayed during the interactive event, the user interface for causing messages to be

provided to the remote clients during the interactive event to control the display of the

interactive components on the remote clients during the event.

Shoff teaches an interface display a representation of individual components that

are to be displayed during the interactive event (see Shoff pg.2, par 0018-0019; pg.6,

par 0068; pg.7, par 0079-0081, the user interface for causing messages to be provided

to the remote clients during the interactive event to control the display of the interactive

components on the remote clients during the event (see Shoff pg.2, par 0018-0019,

responsive to the layout instructions obtained from the target resource (i.e. server) to

display the supplemental content).

It would have been obvious to one with ordinary skill in the art at the time the

invention was made to combine the teaching of Shoff to the system of Bruck because

both Bruck and Shoff's inventions are related to broadcasting information including

interactive content to the clients. By having interface display a representation of

individual components that are to be displayed during the interactive event would allow

the content developers have full control over how television program and interactive

supplemental content is presented to the clients (see Shoff pg.1, par 0012-0013).

As regarding claim 2, Bruck-Shoff discloses the user interface is responsive to

the producer for causing messages to be sent from the server to the client to cause

previously transmitted content to be displayed at the client side (see Shoff pg.2, par

0017-0019). The same motivation was utilized in claim 1 applied equally well to claim 2.

As regarding claim 3, Bruck-Shoff discloses the user interface is responsive to

the producer for receiving content during interactive event and for causing that content

to be displayed at the remote client (see Shoff pg.2, par 0017-0019). The same

motivation was utilized in claim 1 applied equally well to claim 3.

As regarding claim 4, Bruck-Shoff discloses the content creator is used to create

polls such that during creation of a poll, a representation indicating that the poll is to be

displayed is created for display on the user interface (see Shoff pg.3, par 0035, poll,

trivia question). The same motivation was utilized in claim 1 applied equally well to claim

4.

As regarding claim 5, Bruck-Shoff discloses the content creator is used to create

trivia questions such that during creation of a trivia question, a representation indicating

that the trivia question is to be displayed is created for display on the server-base user

interface (see Shoff pg.3, par 0035, poll, trivia question). The same motivation was

utilized in claim 1 applied equally well to claim 5.

As regarding claim 6, Bruck-Shoff discloses the content creator has fields for

designating a time during the event for when specified content will be displayed (see

Bruck pg.6, par 0061-0064).

As regarding claim 7, Bruck-Shoff discloses the event is a broadcast program,

and the timing is based on the beginning of a segment of the broadcast program (see

Bruck pg.6, par 0061-0064).

As regarding claim 8, Bruck-Shoff discloses the technical director with software

interface that allows the producer to override the designated time or displaying content

(see Shoff pg.7, par 0079-0080). The same motivation was utilized in claim 1 applied

equally well to claim 8.

As regarding claim 9, Bruck-Shoff discloses the user interface stores content

created in real time during the event and causes the server to transmit that content to

the clients (see Shoff pg.6, par 0068). The same motivation was utilized in claim 1

applied equally well to claim 9.

As regarding claim 10, Bruck-Shoff discloses the server sends messages to the client using an Internet protocol (see Shoff pg.4, par 0047-0048). The same motivation was utilized in claim 1 applied equally well to claim 10.

As regarding claim 11, Bruck-Shoff discloses the user interface has icons representing individual items of interactive content to be displayed during at least a segment of the event (see Shoff pg.6, par 0068). The same motivation was utilized in claim 1 applied equally well to claim 11.

As regarding claim 12, Bruck-Shoff discloses the content creator includes a first program for allowing a producer to identify types of items of interactive functionality (see Shoff pg.6, par 0068). The same motivation was utilized in claim 1 applied equally well to claim 12.

As regarding claim 13, Bruck-Shoff discloses the first program also allows the producer to create a look and feel for multiple events (see Shoff pg.6, par 0068). The same motivation was utilized in claim 1 applied equally well to claim 13.

As regarding claim 14, Bruck-Shoff discloses the content creator further includes a second program that receives from the first program the types of items of interactive functionality, the second program being used to enter quantities and the content for

each item (see Shoff pg.6, par 0068). The same motivation was utilized in claim 1

applied equally well to claim 14.

As regarding claim 15, Bruck-Shoff discloses the content entered for each piece

of content is used to generate files for transfer to a client (see Shoff pg.6, par 0068).

The same motivation was utilized in claim 1 applied equally well to claim 15.

As regarding claim 16, Bruck-Shoff discloses the content creator creates the user

interface using the quantity of items and content of the items of interactive functionality

(see Shoff pg.6, par 0068). The same motivation was utilized in claim 1 applied equally

well to claim 16.

As regarding claim 17, Bruck-Shoff discloses the client files allow some

interactive components to be provided to the remote clients before the event, and the

content creator allows other interactive components to be provided during the event

(see Shoff pg.6, par 0068; pg.7, par 0079-0080). The same motivation was utilized in

claim 1 applied equally well to claim 17.

As regarding claim 18, Bruck-Shoff discloses some content is provided to the

clients during the event but prior to display during event (see Bruck pg.6, par 0061-

0063).

As regarding claim 19, Bruck-Shoff discloses some content is provided to the clients during the event for immediate display during the event (see Bruck pg.6, par 0061-0063).

As regarding claim 20, is a combination of claim 17-19 above, rejected for the same rationale as claim 17-19 above.

As regarding claim 21, Bruck-Shoff discloses the client file is transferred to the remote clients in advance of an episode of an event and includes multi-episode content for display for multiple events and individual episode content specific to a single episode event, wherein the content creator can create both the multi-episode content and the individual episode content (see Bruck pg.6, par 0061-0063).

As regarding claim 22, Bruck-Shoff discloses the content creator is responsive to a producer for enabling a chat functionality during some or all of an event (see Bruck pg.4, par 0041-0045).

As regarding claims 23-29, the limitations are similar to limitations of claims 1-22, therefore rejected for the same rationale as claims 1-22.

As regarding claim 30, Bruck-Shoff discloses the remote clients receive the broadcast event (see Bruck pg.2, par 0016-0019).
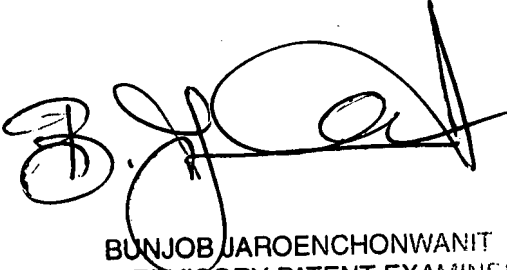
As regarding claim 31, Bruck-Shoff discloses the messages are transmitted over a data communications network (see Shoff pg.4, par 0047-0048), and the broadcast event is broadcast over a television broadcast medium (see Bruck pg.2, par 0016-001). The same motivation was utilized in claim 1 applied equally well to claim 31.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner
Duyen Doan
Art unit 2152

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SUPERVISORY PATENT EXAMINER